

REMARKS

Initially, Applicant wishes to thank the Examiner for indicating that claims 6 and 7 are allowable.

Claims 1-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rumer, U.S. Publication No. 2002/0159115 ("Rumer"), in view of Danagher et al., U.S. Patent No. 6,101,012 ("Danagher"). Applicant respectfully disagrees and traverses these rejections for at least the following reasons.

As indicated in the Office Action, Rumer does not disclose a network element which is coupled to a plurality of optical transmission paths via respective interfaces, wherein each optical transmission path carries a wavelength division multiplexed (WDM) signal. In addition, neither Rumer nor Danagher, taken separately or in combination, discloses or suggests, at each interface, selectively dropping individual optical channels from a WDM input signal, selectively adding individual optical channels for transmission in a WDM output signal and selectively routing individual optical channels to any other interface for transmission in any of a plurality of optical transmission paths as in claims 1-5 of the present invention.

Rather, Rumer is directed at WDMs 205A to 205D for splitting a SONET carrier wavelength out of a WDM signal and passing it through to SONET network equipment. Alternatively, in a "bypass mode" the SONET carrier wavelength is allowed to pass through uninterrupted and unaffected.

It is respectfully submitted that one of ordinary skill in the art would not equate the SONET carrier wavelength disclosed in Rumer with an individual optical channel within a WDM signal, as in the claims of the present invention. In addition, it is respectfully submitted that the dropping or bypassing of a SONET carrier wavelength disclosed in Rumer would not suggest to one of ordinary skill in the art that individual optical channels of a WDM input signal may be selectively dropped, selectively added or selectively routed to other interfaces within a network element.

The Office Action cites Danagher to overcome this deficiency.

It is respectfully submitted that one of ordinary skill in the art would not be motivated to combine Rumer with Danagher to arrive at the present invention because the suggested combination does not result in the claimed inventions, namely, a network element which is coupled to a plurality of optical transmission paths via respective interfaces, wherein at each interface there is an add/drop routing element for "selectively dropping individual optical channels from the WDM input signal ..., selectively adding individual optical channels ..., and ... selectively routing individual optical channels...", as in claims 1-5 of the present invention.

Finally, Applicant respectfully submits that one of ordinary skill in the art would not be motivated to combine Rumer with Danagher because to do so would either require one or both of the references to change their principle of operation or render one or both of the references unsatisfactory for their

intended purposes. As indicated above, Rumer is aimed at the dropping or bypassing of a SONET carrier wavelength. In contrast, Danagher is aimed at the addition or dropping of a WDM signal, not the addition or dropping of a SONET carrier wavelength. Any attempt to combine Rumer with Danagher would most likely result in the need to modify Danagher in order to change its principle of operation so that it would be dropping or allowing a SONET carrier signal to pass through its add/drop multiplexer/demultiplexer uninterrupted. This is impermissible (see MPEP 2143.01). For all the reasons stated above, Applicant respectfully submits that claims 1-5 are patentable over the combination of Rumer and Danagher, taken separately or in combination.

Accordingly, Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 1-5.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

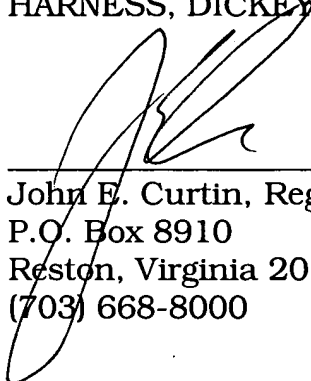
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit

Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



John E. Curtin, Reg. No. 37,602
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JEC:psy

Attachment: Replacement Sheet for FIG. 1